

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PFIZER INC

and

REBECCA LYNN OLVEY MARTIN, an Individual

**Cases 10-CA-175850
07-CA-176035**

and

JEFFREY J. REBENSTORF, an Individual

RESPONDENT’S MOTION TO EXTEND TIME FOR FILING EXCEPTIONS

Respondent Pfizer Inc (“Pfizer” or “Company”) respectfully submits this motion to extend the time to file exceptions to the Administrative Law Judge’s decision by thirty (30) days. This matter involves a January 10, 2017 decision by Administrative Law Judge Keltner W. Locke finding, in part, that Pfizer’s Mutual Arbitration and Class Waiver Agreement (“Arbitration Agreement”) violates the Act. On January 25, 2017, the Board extended the deadline for filing exceptions in this matter until twenty-eight (28) days after the Supreme Court’s decision in *Epic Sys. Corp. v. Lewis*, No. 16-285.¹ The Supreme Court’s decision in *Epic Systems* issued on May 21, 2018, thereby setting a Monday, June 18, 2018 deadline for exceptions.

Pfizer seeks a 30-day extension to the current June 18 deadline because we understand, based on recent discussions with Counsel for the General Counsel, that the General Counsel presently is reviewing the *Epic Systems* decision and its impact on pending matters before the Board that involve related legal issues, including this case. Because the outcome of the General

¹ The Supreme Court’s review also included two other related cases: *Ernst & Young, LLP v. Morris*, No. 16-300 and *NLRB v. Murphy Oil USA, Inc.*, No. 16-307.

Counsel's review could impact the scope of Pfizer's exceptions to the Board, a 30-day extension to is appropriate in order to avoid spending unnecessary time and resources filing exceptions on issues that may no longer be contested in light of the Supreme Court's decision in *Epic Systems*.

We have conferred with Counsel for the General Counsel regarding this motion, and the General Counsel does not oppose this extension request. The Charging Parties have not expressed a view on this motion.

Dated: June 6, 2018

Respectfully submitted,

/s/ Jonathan C. Fritts

Jonathan C. Fritts

David R. Broderdorf

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

(202) 739-3000

(202) 739-3001

jonathan.fritts@morganlewis.com

david.broderdorf@morganlewis.com

Counsel for Respondent Pfizer Inc

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Extend Time for Filing Exceptions was served, via e-mail, on June 6, 2018, upon the following:

Steven M. Stastny, Esq.
P.O. Box 430052
Birmingham, AL 35243-1052
smstastny@gmail.com

Jeffrey J. Rebenstorf
23980 44th Ave.
Mattawan, MI 49071
ellenrebenstorf@gmail.com

Joseph W. Webb
Counsel for the General Counsel
National Labor Relations Board
Region 10 – Birmingham Resident Office
1130 22nd Street South
Ridge Park Place Suite 3400
Birmingham, Alabama 35205
Joseph.Webb@nlrb.gov

/s/ Jonathan C. Fritts